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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,208	02/27/2006	Meinhard Schwaiger	66376-373-7	5343

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EXAMINER
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STEWART, KIMBERLY ANN

ART UNIT	PAPER NUMBER
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1791

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,208	<b>Applicant(s)</b> SCHWAIGER, MEINHARD	
	<b>Examiner</b> KIMBERLY STEWART	<b>Art Unit</b> 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-17-2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 29 is objected to because of the following informalities: There is a period lacking at the end of the claim. Appropriate correction is required.

### ***Response to Amendment***

Amendments to the specification and to the claims are acknowledged. Claims 1-20 were cancelled, and 21-32 were added (per remarks on 6-12-2006).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 4151

4. Claims 21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Purstinger (US 6,296,464) , in view of Yano (US 4,895,507).

5. Regarding claim 21, Purstinger teaches a method for producing plastic profiles, in which a first profile is initially produced by

a) extruding a profiled bar through an extruder and molding said profiled bar in a first extrusion die nozzle that is connected to the extruder, whereupon the profiled bar is calibrated in a first calibrating die arranged on a calibrating table and is chilled [col 1, lines 22-28, col 6, lines 10-13],

b) whereupon the first calibrating die is separated from the extruder and a second calibrating die is attached in order to produce thereafter a second profile [col 6, 26-43],

c) with cooling water and/or vacuum supply lines being connected to the calibrating die attached to the calibrating table [col 6, lines 26-43],

d) wherein prior to severing the first calibrating die the second calibrating die is made available on a freely movable second manipulating device in the region of the calibrating table [col 6, lines 10-27],

6. Purstinger does not teach e) whereupon the first calibrating die is removed from the calibrating table by a lifting apparatus of the second manipulating device transversally to the direction of extrusion. However, Yano discloses that it is known or teaches, in the analogous field of extruder die assembly exchanging, exchanging of die assemblies requiring movement of the assemblies in several directions, including

transversely [perpendicular] to the direction of the extruder, using hydraulic cylinders and lifting jacks [col 1, lines 15-20] for the benefit of quickly and cost-effectively changing dies during extrusion operations so production is not held up.

7. Purstinger also fails to teach that f) the second calibrating die is brought to the calibrating table to the docking position by the lifting apparatus for the calibrating die transversally to the direction of extrusion, and g) that upon removal of the first calibrating die from the calibrating table cooling water and/or vacuum supply lines are severed automatically from the first calibrating die and, after transfer to the second calibrating die to the calibrating table to the docking position, are connected automatically to the second calibrating die. However, Yano teaches such a process for the die assembly exchange using a carriage [col 2, lines 13-48] for the benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation.

8. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine or modify the teachings of Purstinger's calibration and water bath, and those of Yano's perpendicular die exchange movements for the benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation.

9. Regarding claim 22, Purstinger does not teach wherein the first calibrating die is removed from the calibrating table by a first lifting apparatus of the second manipulating

device for the calibrating die and the second calibrating die is brought to the calibrating table to the docking position by a second lifting apparatus of the second manipulating device for the calibrating die. However, Yano teaches exchanging of die assemblies using first and second moving means, carriages, and lifting arms [col 2, lines 13-48] for the benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation.

10. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine or modify the teachings of Purstinger with those of Yano's perpendicular die exchange movements for the benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation.

11. Regarding claims 23 and 24, Purstinger teaches calibrating dies and a calibrating table [col 6, lines 10-30].

12. Purstinger does not teach wherein the removal of the first calibrating die from the calibrating table and the delivery of the second calibrating die to the calibrating table occurs from the same longitudinal side of the calibrating table, or from different longitudinal sides of the calibrating table. However, Yano teaches exchanging of die assemblies using first and second moving means, carriages, and lifting arms [col 2, lines 13-48] for the benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation.

Yano's disclosed method is such that the means for moving die assemblies can conceivably be located at various locations and still achieve the same results.

13. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify or combine the teachings of Pursinger with those of Yano for then benefit of quickly and efficiently changing die assemblies during extrusion operation, without cutting the extruded material on the way of the operation. It would also have been obvious to one having ordinary skill in the art at the time of the invention to choose the location of the removal and delivery of the dies in such a location as to be conducive to the desired results or benefits of the operation, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 220 F.2d 454,456, 105 USPQ 233,235. Also, Pursinger and Yano disclose the claimed invention except for the specific location of the removal and delivery of the calibrating die. It would have been obvious to one having ordinary skill in the art at the time of the invention to remove or deliver the die in the location that was most conducive to the desired results of benefit of the process, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

14. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (US 4,895,507), and further in view of Pursinger (US 6,296,464).

15. Regarding claim 25, Yano teaches an apparatus for manipulating calibrating dies which is configured as a movable first manipulating device, comprising at least one nozzle lifting apparatus for receiving extrusion die nozzles [col 2, lines 13-48].

16. Yano does not teach wherein the calibrating die can be connected to the cooling water and/or vacuum supply lines of the calibrating table by way of an automatic coupling unit. However, Pursinger teaches, in the analogous field of extrusion calibrating with at least one die, a calibrating die connected to cooling water and vacuum supply [col 6, lines 26-63] for the benefit of cooling and shaping via continuous in-line process.

17. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify or combine the teachings of Yano with those of Pursinger for the benefit of cooling and shaping via continuous in-line process.

18. Regarding claim 26, Yano teaches wherein the lifting apparatus for the calibrating die comprises a first lifting arm for receiving a first calibrating die and a second lifting arm for receiving a second calibrating die [col 2, lines 13-60].

19. Regarding claim 27, Yano teaches wherein the first and second lifting arm of the lifting apparatus for the calibrating die are movable independent from each other [col 2, lines 13-60].

20. Regarding claim 28, Yano teaches wherein the second manipulating device is provided with a configuration so that it can be docked to the calibrating table and can be fixed there [col 4, lines 30-39].



21. Regarding claim 29, Yano teaches wherein the second manipulating device comprises at least one displacement unit, preferably with roller or slide bearing, for the calibrating die [col 4, lines 1-10].

22. Regarding claim 30, Yano teaches wherein the second manipulating device is provided with only one lifting device and the changing process is supported by a transversal [perpendicular to extrusion direction] displacement unit [col 2, lines 13-48].

23. Regarding claim 31, Yano teaches wherein the transversal displacement unit is arranged between the calibrating die and the mounting frame of the calibrating table, and the calibrating die rests on the transversal displacement unit by vertical lowering of the mounting frame [col 2, lines 13-48].

24. Yano does not teach that cooling water and vacuum supply lines are severed as a result. However, Purstinger teaches cooling and vacuum lines [col 6, lines 26-52]. Severing of vacuum or water supply lines are not explicitly disclosed, but the examiner considers this to be implied upon moving of any dies.

25. Regarding claim 32, Yano teaches wherein the first and/or second manipulating device is provided with an automotive configuration [col 2, lines 13-48].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 2002/0096807 of record, US 6,682,330, US 6,779,994.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY STEWART whose telephone number is (571)270-7004. The examiner can normally be reached on Monday through Thursday 7:30 am - 5:00 pm; Every other Friday 7:30 am to 4:00 pm, EST, compressed schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on (571)272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joseph S. Del Sole/

Supervisory Patent Examiner, Art Unit 1791